# Request for Reconsideration after Final Action

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Input Field	Entered
SERIAL NUMBER	77711284
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MARK SECTION (no	

# WIARK SECTION (no change)

#### **ARGUMENT(S)**

The Application was refused registration on the grounds that the mark merely describes a feature of Applicant's services. The Applicant amended its application to assert acquired distinctiveness based upon five years' use in commerce. However, the Office Action requested evidence of acquired distinctiveness. In response, the Applicant submits that it has been using the mark COALITION OF INDEPENDENT MUSIC STORES ("the Mark") for more than 14 years, since at least as early as July 15, 1996, as an indication of the source of the Applicant's services. Further, the Applicant has had a Federal registration for its COALITION OF INDEPENDENT MUSIC STORES logo (Registration No. 2,383,083) since 2000.

A search of the Google® results for "Coalition of Independent Music Stores" uncovered no references to any entities not affiliated with the Applicant, which is widely known throughout the country. See Exhibit A. A 2003 article discussing the impact of the Applicant's services on the music industry is attached as Exhibit B to this response.

Due to the long use of the Mark by the Applicant and the widespread recognition by the public of the Mark, the Mark is entitled to registration on the Principal Register. The Applicant therefore respectfully requests reconsideration of the final refusal.

#### **EVIDENCE SECTION**

**EVIDENCE FILE NAME(S)** 

ORIGINAL PDF FILE evi 64238255226-123033393 . Exhibit A - Google Search.pdf

CONVERTED PDF

FILE(S)
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ORIGINAL PDF FILE

evi 64238255226-123033393 . Exhibit B - April 2003 Article.pdf

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**DESCRIPTION OF** EVIDENCE FILE

Exhibit A and Exhibit B to arguments

#### SIGNATURE SECTION

RESPONSE SIGNATURE

/Angela Holt/

SIGNATORY'S NAME

Angela Holt

SIGNATORY'S **POSITION** 

Attorney of Record, Alabama bar member

DATE SIGNED

07/21/2010

AUTHORIZED **SIGNATORY** 

YES

**CONCURRENT APPEAL** 

NOTICE FILED

NO

#### FILING INFORMATION SECTION

SUBMIT DATE

TEAS STAMP

Wed Jul 21 12:37:37 EDT 2010

USPTO/RFR-64.238.255.226-20100721123737540976-7771 1284-4703c2calaabd4723694

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0100721123033393905

# Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. 77711284 has been amended as follows:

#### **ARGUMENT(S)**

In response to the substantive refusal(s), please note the following:

The Application was refused registration on the grounds that the mark merely describes a feature of Applicant's services. The Applicant amended its application to assert acquired distinctiveness based upon five years' use in commerce. However, the Office Action requested evidence of acquired distinctiveness. In response, the Applicant submits that it has been using the mark COALITION OF INDEPENDENT MUSIC STORES ("the Mark") for more than 14 years, since at least as early as July 15, 1996, as an indication of the source of the Applicant's services. Further, the Applicant has had a Federal registration for its COALITION OF INDEPENDENT MUSIC STORES logo (Registration No. 2,383,083) since 2000.

A search of the Google® results for "Coalition of Independent Music Stores" uncovered no references to any entities not affiliated with the Applicant, which is widely known throughout the country. See Exhibit A. A 2003 article discussing the impact of the Applicant's services on the music industry is attached as Exhibit B to this response.

Due to the long use of the Mark by the Applicant and the widespread recognition by the public of the Mark, the Mark is entitled to registration on the Principal Register. The Applicant therefore respectfully requests reconsideration of the final refusal.

#### **EVIDENCE**

Evidence in the nature of Exhibit A and Exhibit B to arguments has been attached.

#### **Original PDF file:**

evi 64238255226-123033393 . Exhibit A - Google Search.pdf

Converted PDF file(s) (10 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence 7
Evidence-8

Evidence-9

Evidence-10

#### Original PDF file:

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Converted PDF file(s) (4 pages)

Evidence-1 Evidence-2 Evidence-3 Evidence-4

#### SIGNATURE(S)

### Request for Reconsideration Signature

Signature: /Angela Holt/ Date: 07/21/2010

Signatory's Name: Angela Holt

Signatory's Position: Attorney of Record, Alabama bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77711284

Internet Transmission Date: Wed Jul 21 12:37:37 EDT 2010 TEAS Stamp: USPTO/RFR-64.238.255.226-201007211237375

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COALITION OF INDEPENDENT MUSIC STORES

06.13.10. THINK INDIE TOP: 1 Rx Bandits - Live At Park Ave - Sargent House 2 Delta Spirit - Here And Now - Rounder Records 3 The National - High Violet ...

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Co-op Advertising with the Coalition of Independent Music Stores ... Don Van Cleave is president of the Coalition of Independent Music Stores, a group of sixty prominent independent record stores located across the United ... msw.adistshbusemusic.org/, /co+op+advertising+wrin+the+coal.ticn+of+independent-music+stores - Cached - Similar

Terry Currier: A Coalition for Music Freedom: Dec 11, 2009 ... Visit Coalition of Independent Music Stores on the web. Be the first to post a comment on: Terry Currier: A Coalition for Music Freedom ...

Coalition of Independent Music Stores Sales Chart: The Top 227 Eminem is back and he's got the #1 CD at the Coalition of Independent Music Stores. Strong debuts from The Roots and Robert Randolph as well... w/ww.thetop02.com/, -coalition-of-independent-music-stores-sales-chart - Cached - Signifian

Sarah McLachlan - Coalition Of Independent Music Stores Sampler ... Sarah McLachlan - Coalition Of Independent Music Stores Sampler. Label: Arista Catalog#: ASCD-3387, Format: CD, Sampler, Promo. Country: ... e discogs comi Coalition-Of-Independent-Music-Stores, 71473129 - Cached

Coalition of Independent Music Stores Charts Chart For 6-11-08 ... Jun 11, 2008 ... CIMS Top 30 Debuts for 6-10-08 1 MY MORNING JACKET EVIL URGES 2 LIL WAYNE THA CARTER III 3 PLIES DEFINITION OF REAL 4 NERD SEEING SOUNDS 5 ... ...wm.hypepat.com.hypebat/2008/c6/coalition-cf=1.ntm - Cached

Coalition of Independent Music Stores Sampler | Medeski Martin ... Track listing, videos, audio & lyrics of the album Coalition of Independent Music Stores Sampler by Medeski Martin & Wood on mtv.com.

www.mty.com/mus/c/artist/medeski\_martin\_eno.. /albums.jhtml?... - Cached

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Coalition of Independent Music Stores Sampler: Album review and ... Coalition of Independent Music Stores Sampler Artist: Medeski, Martin & Wood Type: Promotional, Compilation (best of) Genre: Jazz Similar Albums Just.

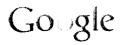
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the Coalition of Independent Music Stores (CIMS) | LENALAMORAY.COM ...

Mar 25, 2010 ... Record Store Day, organized by the Music Monitor Network, the Coalition of Independent Music Stores (CIMS), and the Alliance of Independent ...

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Coalitions Key to Survival of Independent Music Stores | The New ... Coalition of Independent Music Stores · Music Monitor Network, ---- Reprint Policy: We generally allow articles to be reprinted for non-commercial ... www.newrales.org...(coalitions-key-survival-independent-music-stores - Cached

Coalition of Independent Music Stores - Houston Subject: Coalition of Independent Music Stores. Music. September 15, 2005. Answering the Musical Question. Wesley Willis's ghost in the machine pays rock ...

www.houstonpress.com/ u/Coalition+of+Independent+Music+Stores - Dached Coalition of Independent Music Stores - Minneapolis

Coalition of Independent Music Stores, Columns. May 10, 2008. Spinsters. A coalition of independent record stores hangs on for dear life ...

>www.citypages.com/related/. /Coal-non+of+In Jependent+Music+Stoles - Cached

Record Stores: We're Fine, Thanks Don VanCleave, president of the Coalition of Independent Music Stores, said high-school students in his hometown of Birmingham, Alabama, complain to him ... // red.com/entertainment.music/news/2004/03/82742 - Cached - Sinula

Don Vancleave | President | Coalition Of Independent Music Stores ... Sep 19, 2006 ... Don Vancleave | President | Coalition Of Independent Music Stores / Junketboy.com. junket3.jpg junket2.jpg junket1.jpg. JUNKETBOY.COM ... rwk cmj comirelav ?p≖997 - Coched - Siri

An Interview with Don Van Cleave of the Coalition of Independent ... Don Van Cleave is president of the Coalition of Independent Music Stores, a group of sixty prominent independent record stores located across the United ... on a tistahousemus clorge can+interview+ sith+con+ san+cleave+ of+thecoalition+of+independent+music+stores - Cached

Cims (Coalition Of Independent Music Stores, Llc\*) - Birmingham ... Jun 9, 2010 ... Cims company profile in Birmingham, AL. Our free company profile report for Cims includes business information such as contact, ... ww.manta.com/c/mm0og9m/c/ma - Tache

Terry Currier interviewed on the Coalition of Independent Music ... Dec 11, 2009 ... Terry talks about the Coalition of independent Music stores...he helped found it... the big retailers were having price wars on the selling of ... oregonmusionews.com: . !terry-ourmer-interview-ed-on-the-coalition-of-independent-music-stores-and-lois-more/ - Cachen

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Melanie Nipper - Compliance Manager, Coalition of Independent ....©
Feb 10, 2009 ... I have worked with the Coalition of Independent Music Stores for over 6 years. In my earlier days with the company, I helped Don Van Cleave ...

Article: Coalition for Independent Music Stores (CIMS) Signals ... (a) The Coalition of Independent Music Stores acquired the DVD directly from the U.K.-based... Knight Ridder/Tribune Business News ... www.eccessmy.brscy.com.come2/s.unmary\_0286-27952020\_ITM1-Cached

Stores -Vintage Guitar Stores, Coalition of Independent Music ... 
Coalition of Independent Music Stores, The Coalition of Independent Music Stores (CIMS) is a group of some of the best independent music stores in America...

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COALITION OF INDY MUSIC STORES CHART - hypebot Aug 3, 2005 ... Coalition of Independent Music Stores' Top 200 for Week Ending 7-31-05 Label Pos. Artist|Title VRGN 1 GORILLAZ|DEMON DAYS ASK 2 ...
https://doi.org/10.1006/10.0006/10.

Indy CD & Vinyl®

The Coalition of Independent Music Stores (CIMS) is a group of some of the best independent music stores in America. CIMS was founded in 1995; ...

www.cimsmusic.com > Coalition of Independent Music Stores ()
The Coalition of Independent Music Stores is a group of some of the best independent music stores in America. This network of stores provides labels with a ...

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Coalition of Independent Music Stores - Kansas City©
Jan 21, 2009 ... These awards are sponsored by the Musician's Atlas, the Coalition of Independent Music Stores and Purevolume.com and according to the Web ...
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Coalition of Independent Music Stores - Seattle\*

BREAKING NEWS: The Coalition of Independent Music Stores - the folks behind Record Store Day - are launching a new, monthly program called Vinyl Saturdays. ...

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Article: Independent Music Stores in Albany, N.Y., Area Threatened ... Shout The Coalition of Independent Music Stores The Coalition of Independent ... York Daily Record (York, PA): Independent Music Stores Vulnerable to ...

Paste's 17 Coolest Record Stores in America - Stereogum 
Jun 19, 2008 ... Record Exchange in Boise, ID is the founding store of the Coalition of Independent Music Stores. Also Rasputin in Berkeley might be worth a ... stereogum com/10542/pastes\_17\_coolest\_record\_stores ...ne.ss+.Cacres

The Independent Music Awards, Songwriting Competitions - Sonicbids ... Burnside Distribution; The Coalition of Independent Music Stores (CIMS), social networking community. Trig.com and radio tracking service. MediaGuide, ...

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Music Is Not A Product. Good music can't be rolled off an assembly line like an appliance or automobile. Leave that to the corporate chains. ...

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Jun 12. 2005 ... Label Pos. Artist[Title CAP 1 COLDPLAY|X&Y V2 2 WHITE STRIPES|GET BEHIND ME SA VRGN 3 GORILLAZ|DEMON DAYS AAM 4 BLACK EYED PEAS|MONKEY ...

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IMA Buzz, Peoples Choice Awards, Radio Promotion, Indie Record ... \*
-Don Van Cleave, President, Coalition of Independent Music Stores (CIMS). Winning an independent Music Award is a huge accomplishment. ...

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pearlyam com .../pearl-jam-s-forthcoming-album-backspaper-out-september-20th - flached - Similar

WEA Corp. Announces Partnership With Leading Independent Retail .... May 1, 2006 ... The three independent coalitions, the Coalition of Independent Music Stores (CIMS). Association of Independent Media Stores (AIMS) and Music ... investors...mg comphoants.zhtml?c=1824908a . - Cashed - Similar

Pearl Jam, Playing A Business Deal By Ear: NPR© Sep 18, 2009 ... So Pearl Jam made a point of getting Target to agree that the 800-some members of the Coalition of Independent Music Stores could also sell ... www.nor.org/templates/story/sbc/y.bhc/stc/pla... Sombar - Additor/Socgre

City Scenes: Raleigh-Durham - Indie-Music com... Apr 8, 2007 ... They are proud members of the CIMS Coalition (Coalition of Independent Music Stores) which is comprised of some of the most unique and ...

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Phoenix, Sonic Youth, Beastle Boys, and others Announce Record .... Apr 17, 2010 ... Record Store Day is organized by the Music Monitor Network, the Coalition of Independent Music Stores, and the Alliance of Independent Music ...

- undertheradarmag.com/. /april\_17\_2010\_is\_recold\_store\_day/ - Cached

The Smashing Pumpkins Kick Off Record Store Day April 17th | The ... ? Mar 24, 2010 ... Record Store Day, is managed by the Music Monitor Network in partnership with the Coalition of Independent Music Stores (CIMS), ...

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Jambands.com - Need We Say More? > News > Widespread Panic Plays ...

Apr 29, 2010 ... The performance was for The Coalition of Independent Music Stores and featured stripped down versions of a number of songs: "Let's Get Down . vv. jambands.com/ , /widespread-panic-pla/s-race-acoustic-set-for-independent-music-

stores - Cached

LOS ANGELES RECORD STORES \* Coalition of Independent Music Stores. Compact Disc Connexion: 24214 Crenshaw Blvd. Torrance, CA 90505 (310)530-1822. Counterpoint Records & Books: 5911 ...

/www.scaruffi com/music/lastore.html - Cached - Similar

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Jul 28, 2005 ... "Anyone you saw close was teetening anyway," said Don VanCleave, president of the 61-member Coalition of Independent Music Stores, ...

oww.grimeys.com/press.html - Cached - Simila

Music Resource Group and Fellowship of Holy Hip Hop Form Strategic ... .. digital networks, ManiaTV & HavocTV; Burnside Distribution; Coalition of Independent Music Stores (CIMS); and radio tracking service. MediaGuide, ... www.holyhiphop.com/musiciansatlasal.iance-6-15-08.htm - Cached

Radiohead exclu good for indies: mimics mass merchants' approach ... (Coalition of Independent Music Stores ) .. find Video Business articles. div id="be-doc-

text" Mass merchants regularly flex their market muscle with ... wow highbeam.com/doc/1G1-130392388 html - Cached

Metallica In-Store Set For 'Record Store Day' | Biliboard.com Spearheaded by the Allience of Independent Media Stores, Coalition of Independent Music Stores, Music Monitor Network, Newbury Comics and Value Music Group ... www.biliboard.com/bbcom/news/article\_display.jsp?vnu... - Cached - Simila

Don Van Cleave To Exit CIMS

Sep 23, 2003 ... Don Van Cleave will leave his post as executive director of the Coalition of Independent Music Stores (CIMS), at the end of the year, ...

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Disk Error (October 2004) - The Wall Street Journal Classroom Edition ... low retail prices, says Don VanCleave, president of the Coalition of Independent Music Stores, which represents 70 retailers in 24 U.S. states, ... wsjctassroom com/archive/04oct/medi\_cdpricas htm - Cachec

Late Night Show Music Guests — April 12th, 2010 to April 16th ... 
Apr 12, 2010 ... Record Store Day, organized by the Music Monitor Network, the Coalition of Independent Music Stores (CIMS), and the Alliance of Independent ... 
www.panismanual.com/.ilate-night-show-music-guests-april-12th-2010-to-spid-16th-2010 - Contract

The Herald-Sun - Record Store Day celebrates local shops It is organized by the Music Monitor Network, the Coalition of Independent Music Stores (CIMS), Alliance of Independent Media Stores, and others. ...

Billboard - Nov 11, 1995 - Google Books Result

Dubbed the Coalition of Independent Music Stores, the organization is borrowing a page or two from the urban coalitions that have popped up throughout the ... books coagle combooks?id=Du0EAAAASBALIII - More brick results

Musicalinks: Online Music Stores : CDExpress (The Netherlands); CDMO: Chapters (Canada); Canadian chain. Coalition of Independent Music Stores: Coda Music (UK); Folk and Scottish ...

Yahoo! Canada Directory > B2B > Music Distribution © Coalition of Independent Music Stores. The "Open site in a new window - Independently owned music stores group focused on marketing and sales. ... calony area combinates and its "Distribution" - Caloner - Jim ar

The Smashing Pumpkins

Record Store Day, is managed by the Music Monitor Network in partnership with the Coalition of Independent Music Stores (CIMS), and the Alliance of ...
www.smashingpumpkins.com/recordstoreday.php - Decned

John Prine Knick Knack Shelf of Awards, Milestones, Accolades and ....© Coalition of Independent Music Stores Top 300 Albums for 2007 #242 JOHN PRINE & MAC WISEMAN STANDARD SONGS FOR AVERAGE PEOPLE Coalition of Independent Music ...

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Serge Gainsbourg - Seattle 
BREAKING NEWS: The Coalition of Independent Music Stores - the folks behind Record Store Day - are launching a new, monthly program called Vinyl Saturdays. ... www.seattleweekly.com/related/to/Serge+Gainspourg - Carthed

Altsounds.com News | RECORD STORE DAY April 18, 2009 Event organizers include the Music Monitor Network, the Coalition of Independent Music Stores (CIMS), Alliance of Independent Music Stores (AIMS) and ...

nangout altsounds com: /104868-record-stora-day-april-13-2009-a html - Cached

Record Store Day: Come celebrate 'cool stuff' culture - USATODAY.com Apr 16, 2009 ... Representatives of MMN, the Coalition of Independent Music Stores, Alliance of Independent Media Stores and Newbury Comics came up with the .. www.usatoday.com/life/\_/2009-04-16-record-store-pay\_N.ntm - Conned - Similar

Boards | Future of Music Coalition

Don Van Cleave Director. Coalition of Independent Music Stores Fred von Lohmann Senior Intellectual Property Attorney, Electronic Frontier Foundation ...

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Matthew Ryan: Dear Lover/Dear Lover Acoustic :: Music :: Reviews ... @ May 28, 2010 ... On Matthew Ryan's twelfth record. Dear Lover, released last February through the Coalition of Independent Music Stores, the Nashville ...

www.pasternagazine.com/ ./matthew-ryan-cear-loverdear-lover-acoustic.html - Cached

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BLABBERMOUTH NET - ROB HALFORD Schedules Long Beach In-Store

As ... 
Apr 16. 2008 ... Record Store Day is organized by MonitorThis.com, the Alliance of Independent Media Stores, the Coalition of Independent Music Stores, ... www.roadrunnerrecords.com/blabbermouth net/news asp.?.. - Cached

RECORD STORE DAY - Metallica Launch's Record Store Day 08 Mar 14, 2008 ... Spearheaded by the Alliance of Independent Media Stores. Coalition Of 

Music Promotion ...

The Coalition of Independent Music Stores (CIMS) is a group of some of the best independent music stores in America. CIMS is a network of stores that ...

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Jun 25, 2009 ... Looney Tunes is a long time member of the Coalition of Independent Music Stores (CIMS), an organization that supports the best music stores blogs.myspace.com/index.cfm²fuseaction=blog.view . blogId. → Cached

Big-box swindle: the true cost of mega-retailers and the fight for ... - Google

07 - Busin<mark>ess & Economics - 3</mark>18 pages ... pricing," argued Don VanCleave, president of the Coalition of Independent Music Stores and former owner of Magic Platter CD in Birmingham, Alabama. ... books google com onoks?isbr=080703501"..

Birmingham magazine: Smart living, savvy bus ness

Don gained the music industry's attention as owner of Magic Platter and founder of the Coalition of Independent Music Stores, a marketing group that ...
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TouchTunes Interactive Networks Announces Exclusive Playlist in ... Apr 2, 2010... the Coalition of Independent Music Stores (CIMS) and celebrates the culture of independent record stores by playing host to in-store  $\dots$ 

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Spin doctors: an indie music store guide | miami.com@ Uncle Sam's Music. This Miami Beach staple has been around for about 24 years and is a member of the Coalition of Independent Music Stores. ... www.mianii.com/spin-doctors-an-indie-music-store-guide-article - Cachec - Símilia

Gold Records, Memorabilia, Looney Tunes Destroyed By Fire on ... Aug 31, 2007 ... The President of the Coalition of Independent Music Stores, Don Van Cleave, offered his support in a statement about the store:

www.musicnawsculture.com/looney-tunes-up-in-flames-08/2007/ - Cached

Online Home Shopping | Music Stores News for 07/09/2010 Jul 9, 2010 ... So back in '03 I was asked to write something for a magazine that was to be distributed at the CIMS (Coalition Of Independent Music Stores) ...
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Press Coverage « Hoodlums Music and Movies Coalition of Independent Music Stores/U.S. Senate. September 2003: This is a copy of the letter we wrote to the U.S. Senate's Permanent Subcommittee on .. www.hoodlumsmusic.com/blog/story-of-hoodlumsipress-coverage/ - Cachec

Welcome to Radio and Records

Coalition of Independent Music Stores President. Don Van Cleave loves music. Being a heavy consumer of the product influenced him to make a career change. column radioandrecords com: "PublisherProfile aspx?", 40087 - Cached

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Pavement, MGMT, Wilco RECORD STORE DAY EXCLUSIVES « 'stache media

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CMJ New Music Report - Oct 25, 2004 - Google Books Result

No. 587 - 30 pages - Magazine
Don VanCleave, president Coalition Of Independent Music Stores Just to be clear about what we are complaining about, let's forget Good Charlotte, ...
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<u>Ashley Mixson - LinkedIn</u>
Coalition of Independent Music Stores. (Entertainment industry). May 2005 — August 2005 (4 months). Ashley Mixson's Education. Belmont University ...

Bananas, the St. Petersburg record store, packs stacks of vinyl ... Apr 29, 2008 ... Don Van Cleave, the president of the Coalition of Independent Music Stores, said during a phone interview. According to Van Cleave, ...

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The album continues to get solid airplay in the US and was also selected for CIMS (Coalition of Independent Music Stores) listening post for July, ...

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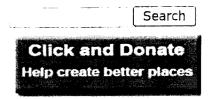
... assisted in the development and growth of the Coalition of Independent Music Stores (CIMS), a network of 30 independent music retailers in 21 states ...

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EXHIBIT B





# Coalitions Key to Survival of Independent Music Stores

By New Rules Staff on April 1, 2003

Keywords

Album sales dropped more than 11 percent last year. Forecasts predict they will dive another 6 percent this year. The internet is partly to blame; the record industry says 2.6 billion music files are downloaded from the internet each month, many of which are burned to CDs. Music is also facing competition from other forms of entertainment, especially among teenagers, who are spending more money on DVDs and electronic games.

Tools

Radio consolidation hasn't helped either. Companies like Clear Channel, which owns 1200 radio stations nationally, have sharply reduced the number and variety of songs once heard on local stations. A play list at a Clear Channel station might include fewer than 30 songs. People are hearing fewer songs and buying fewer albums.

Meanwhile, mass merchandisers like Wal-Mart, Target, Circuit City, and Best Buy are selling new releases for less than the wholesale cost, using hot new albums as loss leaders to draw shoppers into their stores. Mass merchandisers now capture more than one-third of music sales.

All of this has threatened the survival of music specialty stores. Big regional and national chains, like Tower Records and Sam Goody, are closing outlets and struggling to stay afloat. About one-third of independent music stores have closed in the last five years, according to Hits Magazine. Independents now account for just 12 percent of album sales.

But, while many have failed, some independents are finding that by banding together, stocking a deep and eclectic selection, and working with new artists, they can survive and even thrive.

"I can't even begin to quantify how successful it's been," said Paul Epstein, owner of Twist and Shout in Denver, referring to the Coalition of Independent Music Stores (CIMS). He credits CIMS with helping to put his store on the map. In just a few years, Twist and Shout has grown from a small store on a back street to an 11,000-square-foot landmark on the national music scene.

Founded eight years ago by a handful of independent store owners, CIMS now includes 35 businesses with 74 stores in 24 states. CIMS original purpose was to secure funds from record labels to promote bands simultaneously in dozens of independent stores. The chains had been doing this and capturing most of the labels' promotional budgets.

CIMS has accomplished that and more. According to record labels, CIMS stores have emerged as an influential and critical gateway for breaking and developing new bands. CIMS stores select bands to promote through in-store play, in-store performances, discounts, giveaways, and other events. The record labels pick-up the tab.

"Selling Celine Dion is not much of a challenge. Wal-Mart can do that. Breaking a new artist—that's a challenge," said Epstein. By focusing on new and emerging artists, CIMS has helped its members establish themselves as destination stores for music fans around the country.

An even more important benefit to CIMS membership, according to Epstein, is getting advice and sharing strategies with other independent store owners. CIMS has limited membership to one store per market area. Members gather once a year to share insights and discuss strategy.

CIMS has grown about as much as it can manage and is no longer taking new members. Promotions are expensive, explains Epstein. Adding more stores would raise costs above what labels can pay to promote a new band.

But the coalition's success has inspired two similar alliances. The Music Monitor Network includes small, independently owned chains (companies with 3 to 30 stores). The Association of Independent Media Stores formed in January with 30 members and plans to play a similar role to CIMS by networking its members and coordinating promotions.

• Coalition of Independent Music Stores

•	Mus	ic Mo	nitor	Network	<

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